

(Translation)

**OFFICIAL NOTICE OF REJECTION mailed on December 11, 2009**

Japanese Patent Application No. 2004-308912

Examiner, the Patent Office: Masaya KIMURA 3980 5I00

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The present application is rejected for the following reasons. The Applicant may present an Argument, if any, within three months from the mailing date of this Official Notice.

Reasons

<Reason A>

The present application is deficient in the points set forth below. Therefore, the present application fails to conform to the requirement prescribed under Section 37 of the Japanese Patent Law.

Remarks

Claims 1, 13, 16, and 19 have the following common technical feature: "in a user-mode module to kernel-mode driver interface, sending commands to and receiving information from a kernel-mode WWAN device driver using OIDs." In view of the disclosures of U.S. Patent No. 6,629,151 (Reference 1), however, this technical feature does not contribute to the prior art and is not regarded as a special technical feature. Claims 1, 13, 16, and 19 do not have any other same or corresponding special technical feature.

Accordingly, claims 1, 13, 16, and 19 fail to have the same or corresponding special technical feature with respect to each other. Thus, the present application fails to conform to the requirement prescribed under Section 37 of the Japanese Patent Law.

Patent Law.

Note that since the present application does not conform to the provision of Section 37 of the Japanese Patent Law, the inventions of the claims other than claims 1 to 12 whose examination has substantially been completed as a result of examining claim 1 have not been examined as to requirements such as description requirements, novelty, and inventive step.

<Reason B>

Claims of the present application are deficient in the points set forth below. Therefore, the present application fails to conform to the requirement prescribed under Section 36, Paragraph 6, Item 2 of the Japanese Patent Law.

Remarks

1) Re: Claims 1 to 12

(a) Claim 1 recites "a first set of object identifiers (OIDs) sendable by the user-mode entity, through a user-mode module to kernel-mode driver interface, to the WWAN device driver." It is unclear how commands sendable to a kernel-mode WWAN device driver relate to a first set of object identifiers (OIDs). Thus, the technical meaning of the recitation is unclear.

(b) Claim 1 recites "a second set of OIDs receivable by the user-mode entity, through a user-mode module to kernel-mode driver interface, from the WWAN device driver." It is unclear how a second set of OIDs receivable by the user-mode entity relates to a first set of object identifiers (OIDs). Thus, the technical meaning of the recitation is unclear.

(c) Claim 1 recites "after sending an OID from the first set, the user-mode entity is permitted to send OIDs to the WWAN device driver through the user-mode module to kernel-mode driver interface, prior to receiving a response from the WWAN device

driver." It is unclear a response to what "a response" indicates. Thus, the technical meaning of the recitation is unclear.

In the feature of "after sending an OID from the first set, ... is permitted to send OIDs to the WWAN device driver through the user-mode module to kernel-mode driver interface, prior to receiving a response from the WWAN device driver," the technical meaning of the OID is unclear.

Therefore, the features of claims 1 to 12 of the present application are unclear and the scope of the invention is unclear.

<Reason C>

The present invention(s) as claimed in claim(s) set forth below would have been obvious to one having ordinary skill in the art, to which the invention(s) pertain(s), prior to the filing date of the present application, on the basis of an invention(s) disclosed in the publication(s) set forth below as distributed in Japan or foreign countries or an invention(s) made available to the public through the telecommunication line prior to the filing date of the present application. Therefore, the present invention(s) is(are) unpatentable under the provision of Section 29, Paragraph 2 of the Japanese Patent Law.

Remarks (See a Reference List below.)

1. Claims 1 to 12 (References 1 and 2)

Reference 1 (in particular, columns 6 to 10) discloses an object identifier (OID) given to a request sent to a data link layer of a Wireless Network Interface Card (WNIC) (corresponding to "a WWAN device driver" of the present application) by a network layer (corresponding to "a user-mode entity" of the present application) through a Network Device Interface (corresponding to "a user-mode module to kernel-mode driver interface" of the present application) and receiving the

object identifier given to a response corresponding the sent request (corresponding to "a first set of object identifiers (OIDs) sendable by the user-mode entity, through a user-mode module to kernel-mode driver interface, to the WWAN device driver; and a second set of OIDs receivable by the user-mode entity, through a user-mode module to kernel-mode driver interface, from the WWAN device driver" of the present application).

Meanwhile, as disclosed in Reference 2 (in particular, columns 4, 5, and 10) for example, it is a well known technique to send/receive object identifiers and command identifiers in instructions in asynchronous communications (corresponding to "after sending an OID from the first set, the user-mode entity is permitted to send OIDs to the WWAN device driver through the user-mode module to kernel-mode driver interface, prior to receiving a response from the WWAN device driver" of the present application). Therefore, one skilled in the art could have conceived asynchronous communications for sending/receiving object identifiers and command identifiers through the Network Device Interface disclosed in Reference 1 by exerting ordinary creativity.

Consequently, claims 1 to 12 of the present application lack inventive step over the techniques of References 1 and 2.

#### Reference List

1. U.S. Patent No. 6,629,151
2. Japanese Patent Application Laid-open No. Hei 09-179807

#### <Regarding Amendment>

(1) When amending the specification, underline a portion(s) changed by the Amendment (Form 13, Remark 6 of Regulations under the Japanese Patent Law).

(2) An amendment(s) must be made within the scope of the matters in the specification or drawings of the present application as originally filed or the matters obvious therefrom. When filing an Amendment, please state, in an Argument, why amendments are

legitimate while explicitly indicating descriptions of the original specification which support each of the amendments. (For a form of an Argument, the Applicant is requested to refer to a form of a Demand for Correction for an invalidation trial.)

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Record of Search Result of Prior Art Literature

Technical Field Searched

IPC	G06F 13/00, H04L 12/06
	H04Q 7/38

Prior Art Literature

This record of search result of prior art literature does not constitute reason for rejection.